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Narutto Svetlana Vasilievna

RUSSIAN FEDERALISM: SCIENTIFIC VIEWS N.A. MIKHALEVA

No. 1, 207

The article is devoted to the analysis of the theoretical heritage of Professor N.A. Mikhaleva on the problems of the federal structure of the Russian state, the preservation of state unity and the delineation of powers between the Russian Federation and the constituent entities of the Russian Federation. Various approaches of scientists to the characterization of the stages of development of federal relations in recent decades are noted.

The article examines positions on the optimal model of delimiting the competence of the Federation and the constituent entities of the Russian Federation, which is based on the principle of constitutionality and other principles. The use of " competence " terms in scientific literature, federal and regional legislation is characterized .

Particular attention is paid to the analysis of the views of N.A. Mikhaleva and other researchers to determine the content of the constitutional and legal status of the subjects of the Federation, the problem of understanding the joint jurisdiction of the Russian Federation and its subjects and determining the powers of federal and regional bodies of state power in matters of joint jurisdiction, the shortcomings of the institution of advanced law-making, as well as opinions on options for improving the subjects of joint reference. The conclusion is formulated, in particular, that the consolidation of the foundations of normative regulation in federal legislation does not deprive the subjects of the Federation of the opportunity to concretize the procedure and methods of exercising the powers of their state authorities. An analysis of the issue of the subjects of their own jurisdiction of the constituent entities of the Russian Federation leads to the conclusion that practically any issue from the jurisdiction of the subject of the

Federation has contact with the subjects of joint jurisdiction, thereby allowing the Federation to carry out regulation at its discretion.

Zenin Sergei Sergeevich

THE WILL OF THE PEOPLE IN THE CONSTITUTIONAL LEGAL PARADIGM OF THE POPULATION

No. 1, 2017

The article examines the will of the people as an integral element of modern democracy as one of the foundations of the constitutional order. Without denying the possibility of analyzing the concept of "will" in psychological, historical and other discourses, the author comes to the conclusion that in the legal aspect, its content changes and is supplemented by new features. Today this phenomenon is considered in various branches of legal science, constitutional law is no exception.

Analyzing the variety of approaches existing in legal science to the definition of the concept of "will of the people", the author comes to the conclusion that the will of the people is its exclusive property as a subject of constitutional and legal relations. Considering that a multinational people is a complex political entity, its will is formed by merging its constituent elements into a single, previously non-existent whole.

The analysis of the constitutional and legal consolidation of such concepts as "the will of the people" and "the will of the people". The author delimits the content of these definitions and concludes that they are not identical. The expression of the will of the people is a form of expression of the will of the people in an objective reality, in which it becomes available for the perception of other subjects of constitutional and legal relations. The forms of expression of the will of the people and the objects to which it can be directed are considered. Forms of expression can consist in the performance of both active and passive actions. It is concluded that the implementation of these forms can be both positive and negative.

According to the author, its functional purpose is revealed in the objects of the will of the people. Based on the fact that the will of the people is absolute, a statement is formulated about its focus on an indefinite list of objects and phenomena of existing reality. The external expression of the will of the people can be manifested both as a whole in relation to the state and society, and also be directed at other subjects of constitutional legal relations.

The manifestation of the will of the people in relation to the state is carried out in a wide variety of social relations associated with: the establishment of the state itself, the formation of a system of public authorities, the implementation of state functions.

Alebastrova Irina Anatolyevna,

MAJORITY AND MINORITY IN THE CONSTITUTIONAL STATE : ETHNIC ASPECT

No. 1, 2017

The article examines the problems of correlation between the policy of integration and adaptation of modern states in relation to national minorities. This issue is investigated in the context of the broader issues of modern democracy, one of the most important attributes of which is the existence of effective mechanisms for the representation and protection of the interests and rights of minorities. One of the types of minorities that need special attention from the state are ethnic minorities, including indigenous peoples, “old” and “new” national minorities.

In policy towards indigenous peoples, modern states retain the dominance of adaptation policies. The ratio of the elements of the adaptation and integration policy in relation to national minorities is undergoing noticeable changes at the present time, namely in the conditions of the growth of migration flows to developed countries, as well as the intensification of separatist sentiments in a number of them. The author notes that in the policy towards the "new" (immigrant) minorities there is a noticeable tendency to intensify the integration policy, while a

policy combining integration and adaptation is being pursued with respect to the "old" minorities. Their ratio and manifestations in a particular country depend on many factors: the number of national minorities, the level of national identity and the prevalence of separatist sentiments among representatives of minorities, the severity of interethnic relations, the chances of minorities to take into account their interests on the basis of formally equal representation and satisfaction of minorities and the national majority with the state of affairs , the effectiveness of the functioning of state structures to protect the interests of minorities, threats to the cultural identity of the titular nations, etc. The author comes to the conclusion that integration should be aimed not only at making it easier for representatives of minorities to live in a “not their own” cultural environment of the titular people, but also at preserving this environment, that is, at ensuring mutual solidarity between titular and non-titular peoples. In this regard, the author formulates some proposals for improving Russian legislation in this area.

Elena Kovryakova

FOUNDATIONS OF THE STATE NATIONAL STRATEGY: CONSTITUTIONAL AND LEGAL ASPECT

No. 1, 2017

The article examines the concept and goals of the state national strategy, in particular, strengthening the state unity and integrity of Russia, as well as preserving the ethnocultural identity of its peoples, primarily the state-forming Russian people. In this regard, the evolution of the theory of federalism in Western countries, as well as in domestic science in the pre-revolutionary and Soviet periods is investigated. The contribution of N.A. Mikhaleva in the development of this issue. Considering the history of the development of federal relations after 1993, she emphasized that the destructive practice of regional sovereignty has now been overcome, the constitutional basis of the state national strategy of the Russian Federation is the preservation of its state unity and integrity. State integrity means

the unconditional recognition of the state sovereignty of Russia, which is expressed in the unity of Russian society, the constitutional and legal system, the supremacy of federal legislation on the subjects of the exclusive jurisdiction of the Federation and its subjects, the unity of the constitutional and legal status of an individual, uniform principles of organization and functioning of state and municipal bodies. power, a single monetary and customs system, a single historical, cultural and information space, a single state language, a single Armed Forces. In addition, according to clause 11 of the Strategy of State National Policy, our state was created as a unity of peoples, the backbone of which was historically the Russian people. The modern Russian state unites a single cultural (civilizational) code based on the preservation and development of Russian culture and language, the historical and cultural heritage of all peoples of Russia, which is characterized by a special desire for truth and justice, respect for the original traditions of the peoples inhabiting Russia and the ability to integrate their best achievements into unified Russian culture. The condition for solving all internal problems, including strengthening national unity, is a strong sovereign state, a competitive economy, the well-being of the people, overcoming the depressive indifference of citizens, improving the general culture, education and legal consciousness of the people, interethnic and interfaith harmony, clear prospects for state strategy, overcoming the colossal the gap in the level of material security of citizens, the eradication of corruption and bureaucracy. In addition, in our opinion, all these reforms should not conflict with the civilizational foundations of the Russian state.

Sadovnikova Galina Dmitrievna

LEGISLATIVE BODIES OF SUBJECTS OF THE RUSSIAN FEDERATION: PROBLEMS OF FORMATION AND IMPLEMENTATION OF THE REPRESENTATIVE FUNCTION

No. 1, 2017

... The article examines some problems of the implementation of the representative nature of the legislative bodies of the constituent entities of the Russian Federation in the order of the formation and functioning of these bodies, the status of the deputy, the nature of the deputy mandate. The author believes that the combination of the unity and diversity of models for organizing legislative power in the constituent entities of the Russian Federation is due to both the features of the federal nature of the Russian state and the tasks of effective implementation of state power. An analysis of individual elements of legal regulation of the procedure for the formation of legislative (representative) bodies of state power of the constituent entities of the Russian Federation is offered. In the author's opinion, the federal legislator should not allow the possibility of holding elections of deputies to the legislative (representative) bodies of state power of the constituent entities of the Russian Federation exclusively according to the proportional electoral system, since in this case insurmountable difficulties may arise in the implementation of passive electoral citizens. A positive trend is revealed towards the expansion of regional discretion in the choice of methods of forming the bodies of state power of the constituent entities of the Russian Federation. Various approaches of the regional legislator to the legal regulation of the structure and competence of legislative (representative) bodies are shown. The positive experience of adopting regional laws on committees (commissions) of the chambers is noted, which contributes to increasing the authority of these bodies, stabilizing their status, and strengthening parliamentary control. Some elements of the status of a deputy, the legal regulation of the recall of deputies are analyzed. Shown are various theoretical approaches to the concepts of imperative and free deputy mandate, features of the status of a deputy elected as part of a party list. The author comes to the conclusion that the presence of elements of an imperative mandate in regional legislation, in contrast to federal legislation, seems to be quite logical and does not violate the representative nature of the legislative bodies of the constituent entities of the Russian Federation.

Panov Andrey Alekseevich

Participation of the constituent entities of the Russian Federation in decision-making at the federal level

No. 1, 2017

The article examines the issues related to granting the subjects of the Russian Federation the right to participate in decision-making of national importance. The main forms of coordinating the interests of the center and the regions in the process of preparing such decisions are characterized: the delegation of representatives of the constituent entities of the Russian Federation to participate in the work of federal government bodies (or coordinating structures that ensure the development of their decisions) and participation in the preparation and adoption of legal acts of the Russian Federation.

The features of the formation and functioning of the system of bodies representing the interests of the subjects at the federal level are analyzed. Particular attention is paid to the Federation Council as a key body of regional representation, as well as coordination and consultative and advisory structures under federal government bodies formed both at the initiative of the Federation and its subjects.

The content of guarantees of taking into account the positions of subjects when adopting federal laws, as well as bylaws, is disclosed. These include, firstly, the promotion by the regions (their representatives in the Federation Council) of their own law-making initiatives; secondly, the possibility of blocking initiatives put forward by other actors.

The analysis of the problems and prospects for the development of legislation

in the area under consideration, recommendations are proposed for its improvement in order to ensure a rational combination of the general and the special in a single state.

Komarova Valentina Viktorovna

DEMOCRACY IN THE CONSTITUTIONS AND CHARTERS OF SUBJECTS OF THE RUSSIAN FEDERATION

No. 1, 2017

The article analyzes and compares the content of the norms, the peculiarities of fixing local self-government in the constitutions and statutes of the constituent entities of the Russian Federation as the basis of the constitutional system of the country, as a type of public power, as a subjective right. Exploring the consolidation of human rights in the constitutions and statutes of the subjects, N.A. Mikhaleva carried out a classification , highlighting not traditional political rights, but a group of social and political rights and freedoms. The author of the article examines the legitimacy of using the term "petition", highlighting special mechanisms and procedures for its implementation in the subjects of the federation.

Based on the analysis of the provisions of the current legislation of the constituent entities of the Russian Federation, the article concludes that the consolidation of the petition as a form of democracy can be regarded as an additional guarantee of the implementation of the democratic foundations of regional statehood in modern Russia. The article substantiates the opinion about a single idea, kinship underlying such forms of direct democracy as collective appeal, petition, popular initiative, mandate, but by differences in the range of issues and the number of initiators' signatures, in the form of submission (oral or written) and design, addressee and procedures.

A comparative analysis of the norms of modern constitutions and statutes of subjects allowed the author to propose an extension of the list of the group of social and political rights given by N.A. Mikhaleva, through the inclusion of the right to popular initiative, mandate, public hearings, discussions, territorial public self-government, voting on changing borders and transforming municipalities.

Goshulyak Vitaly Vladimirovich

LEGAL PRINCIPLES OF FIXING THE BASES OF THE CONSTITUTIONAL ORDER OF RUSSIA IN THE CONSTITUTIONS AND CHARTERS OF SUBJECTS OF THE RUSSIAN FEDERATION

No. 1, 2017

The purpose of this article is to attempt to analyze the foundations of the constitutional system of the Russian Federation, enshrined in the constitutions and charters of the constituent entities of the Russian Federation, using the methodology for analyzing the constitutions and charters of the constituent entities of the Russian Federation, applied by N.A. Mikhaleva. The article examines the controversial problems of modern Russian federalism and the resulting problems of two-level constitutional legislation. Different points of view are given, on their basis the author's conclusion about the transitional nature of modern Russian federalism is formed.

The article analyzes various points of view of Russian scientists on the concept and content of the foundations of the constitutional order. It is concluded that in the definition of the foundations of the constitutional system, it is necessary, in addition to the categories " power", "person", "state", to introduce the category "legal law", which is an essential feature of the rule of law.

Analyzing the constitutions and charters of the constituent entities of the Russian Federation, the decisions of the Constitutional Court of the Russian Federation, the author deduced the following principles of consolidating the foundations of the constitutional system of the Russian Federation in the constituent acts of the constituent entities of the Russian Federation: federalism, the unity of the foundations of the constitutional system, the impossibility for the constituent entities of the Russian Federation to establish their own, different from the Russian Federation, the foundations of the constitutional system , the possibilities of the subjects of the Russian Federation, without violating the constitutional provisions, to carry out the legal filling of the foundations of the constitutional system of the Russian Federation

Valerian Lebedev

CONSTITUTIONAL FRAMEWORK FOR RESTRICTIONS OF RIGHTS AND FREEDOMS OF HUMAN AND CITIZEN

No. 1, 2017

The article examines the constitutional foundations for the limitation of human and civil rights and freedoms in the Russian Federation. The line is shown between the lawful restriction of rights and freedoms and their actual denial. The paper substantiates the thesis that restrictions should be established by the legislator not arbitrarily, but on the basis of the Constitution, the principles of justice, equality and proportionality enshrined in it. The paper analyzes international documents on the issue under consideration, the laws of the Russian Federation, the Resolutions of the Constitutional Court of the Russian Federation.

A group of restrictions is identified and studied, due to the peculiarities of the legal status of certain categories of persons, the so-called. "Professional" restrictions. It also analyzes legislative restrictions on the exercise of passive and active electoral rights by citizens. Additionally, the author analyzes the limitation of human and civil rights and freedoms in a state of emergency. By introducing a state of emergency, it is possible to temporarily concentrate all levers of control of all coercive means within the framework of the official government. At the same time, the Constitution and the Federal Constitutional Law provide two important guarantees to prevent the misuse of the state of emergency. First, an important guarantee is the mandatory consent of the Federation Council to declare a state of emergency. Secondly, (part 3 of article 56) of the Constitution of the Russian Federation provides for the most important rights of a citizen, which are not subject to restriction under any circumstances. These are rights and freedoms: to life; dignity of the person; privacy; the right to the protection of personal data; freedom of conscience, freedom of religious belief; freedom of entrepreneurial and other not prohibited economic activity; the right to housing; the

right to judicial protection, to the consideration of the case by a proper court, to receive legal assistance, the presumption of innocence, the right to the humanism of justice, to protect the interests of victims, to apply the current law.

The article substantiates the conclusion that, despite the diversity of scientific opinions, the goal of the state is to establish and develop human and civil rights and freedoms as a value priority, as a fundamental idea expressed in the Constitution of the Russian Federation.

Nekrasov Sergey Ivanovich,

Extraterritorial competence in the territorial organization of public authority

No. 1, 2017

In modern Russia, ambiguous trends have emerged in the territorial organization of the state, the construction and functioning of public authority. Until recently, almost all aspects of the territorial-power organization of the Russian state were analyzed in the context of the theory of federalism and the theory of local self-government. However, Russian and foreign political and legal practice testifies to the fact that not all doctrinal structures of territorial-public rule fit into the boundaries of detailed theories of the form of the territorial structure of the state (federalism, unitarianism, regionalism) and local self-government (local government). The state-power mechanism functions not only in the territories of public law formations (the federal state as a whole, subjects of the federation, municipalities), but also in other spaces (administrative-territorial, administrative units), established taking into account various, including non-legal factors (and this was the case throughout almost the entire history of Russian statehood, including during the monarchical and Soviet periods). Examples of such administrative-territorial units in the Russian Federation are federal districts, administrative (administrative, educational) districts in some constituent entities of the Russian Federation, zones of territorial development, territories of accelerated socio-

economic development, the Skolkovo innovation center , the free port of Vladivostok, the Arctic zone of the Russian Federation, urban agglomerations, etc. In modern Russia, de facto, new levels of public power and state administration have appeared - sub-federal (inter-regional), sub-regional (inter-municipal), sub-municipal (inter-settlement). In addition, the Russian Federation is a member of a number of interstate entities, recognizing the jurisdiction of the relevant supranational bodies. In the current reality, public authorities of various levels, as well as non-state structures (including economic entities), endowed with separate powers, can function simultaneously on the same territory. In this regard, the problem of extraterritorial competence and inter-level interaction of various public authorities is actualized. The article not only formulates some theoretical judgments on the designated topic, but also offers directions for solving possible doctrinal and law enforcement problems (in particular, in relation to the municipal level of the public-power mechanism).

Vasiliev Stanislav Alexandrovich

PUBLIC FORMATIONS AS SUBJECTS OF CONSTITUTIONAL LEGAL RELATIONS

No. 1, 2017

Society cannot function normally if the state does not create the necessary conditions for this, both organizational and legal. The modern branch of constitutional law has given rise to many legal mechanisms for organizing constructive relationships between representatives of civil society and public authorities. Some of them are state and public formations. Based on the analysis of constitutional and legal acts, it is concluded that modern public chambers, public councils and public oversight commissions do not belong to either state bodies or public associations from a formal point of view, therefore they form an independent block of subjects of constitutional and legal relations. For this purpose, the article defines the signs of state bodies and public associations,

analyzes each of the types of state-public formations for compliance with these signs. The concept of state-social formation is formulated and the main features that it corresponds to are highlighted. In the course of the study, the provisions of many bylaws of federal, regional and local acts were analyzed, considerable attention was paid to local documents, which in recent years have been studied to a lesser extent by legal scholars, a large amount of scientific literature on this topic was considered.

Strashun Boris Alexandrovich

DEVELOPMENT TRENDS OF MODERN CONSTITUTIONS

No. 1, 2017

The Constitution, as you know, is the main source of law in general and constitutional law in particular. In domestic literature, the constitutions of Russia and the constitutions of foreign countries are usually analyzed separately. The article attempts to consider the constitution as an integral phenomenon of modern civilization.

Based on the analysis of the constitutions of Brazil, Switzerland, India, the Islamic Republic of Pakistan, Germany, France and the Russian Federation, certain conclusions are formulated. The development trends of modern constitutions include an increase in the volume of constitutions, an expansion of the range of regulated social relations, including the constitutionalization of relations regarding the activities of reproductive medicine and gene technology in the human sphere. It is emphasized that in the modern period, when the use of transplant medicine will only increase, the issues of protecting the dignity of the individual come to the fore. It is stated that the Swiss Constitution is unique in these matters.

The article draws attention to the fact that the largest constitutions in terms of volume are subject to the most frequent changes, which cannot have a positive effect on the stability of the constitutional legal order. The expediency of

the amendments to the Constitution of the Russian Federation on the issues of increasing the terms of office of the President of the Russian Federation and the State Duma of the Russian Federation is evaluated. The author notes that in democratic countries, the use of a five-year term of parliament is quite widespread, while the term of office of the president is, as a rule, lower than in the Russian Federation. In addition, the author touches upon the forms in which modern constitutions exist, in particular the question of the expediency of an unwritten constitution. The issue of legal protection of the constitution (constitutional control) is touched upon. On the question of the relationship between the spirit and the letter of the constitution, it is concluded that the spirit of the constitution is the deep meaning of the entire set of its principles and norms, focused on its main goal, and any interpretation of the letter of the constitution must proceed from this spirit of it.

Zaikin Sergei Sergeevich

COALITIONAL AGREEMENTS BETWEEN POLITICAL PARTIES: FOREIGN EXPERIENCE AND RUSSIAN PERSPECTIVES

No. 1, 2017

The article analyzes the main approaches to the theory and practice of concluding coalition agreements between political parties in foreign countries. According to the author, this experience can be useful in Russian practice. The issue of the possibility of judicial protection of these agreements is considered separately, while the Israeli and German legal doctrines on this issue that have not been covered in Russian legal science before are cited.

It is stated that there is also a problem of putting political decisions into legal form. For example, the political elite makes a decision according to which certain political forces should not be allowed to be represented in parliament. This political decision can be formalized in the form of specific legislative acts. Of course, this is more of a negative example, but it shows that the law, in fact, can act

as a tool to legitimize political decisions. Another example: the model of the decision-making process used within a political party can be transformed into a mechanism at the legislative level. The following components are distinguished, which, as a rule, are present in coalition agreements: the foundations of state policy in various spheres; distribution of posts in the government, procedural issues, including the procedure for the formation of various coalition bodies and the procedure for their decision-making. It is concluded that the subject of an agreement between political parties in the State Duma can be, perhaps, only joint actions, in particular, voting on certain bills or for or against a specific candidate (except for the Prime Minister), whose appointment falls within the competence of the lower house, for example , when voting on the issue of approving the candidacy of the Chairman of the Accounts Chamber of the Russian Federation. Another thing is that such agreements are likely to be in the nature of oral agreements concluded ad hoc (despite the fact that the legislative work plan of the State Duma is approved in advance), while the negotiation process will be very fast.

Osavelyuk Alexey Mikhailovich

GOVERNMENT FORM AND STATE REGIME: THE PROBLEM OF EFFECTIVE LEGISLATION

No. 1, 2017

In the domestic legal literature there are many scientific publications devoted to the form and essence of constitutions, as well as the effectiveness of the legislative process in the Russian Federation. One of the authors who made a significant contribution to the solution of these scientific problems is Professor N.A. Mikhalev. These problems were the defining directions of the entire scientific work of this famous domestic scientist-constitutionalist and this article is devoted to. These problems have always caused and will continue to cause a lively scientific interest, not only because there are a great many states in the world with

different socio-economic systems. Forms of government, state regime, political-territorial structure and functioning of which are regulated in different ways by constitutions. But also because the states themselves, the constitutions that regulate their activities, their content, form and essence are in constant development. Scientific publications on these issues offer different solutions to these problems. For example, N.A. Mikhaleva rightly associated the problem of the effectiveness of the activities of the highest bodies of state power in the legislative process with the effectiveness of the activities of subsidiary government bodies. Other authors associate it with the form of government established by the constitution. This article attempts to link this problem not only with the form of government, but also with the state regimes that are actually emerging within each form of government, which are formed under the influence of various factors.

The thesis is put forward that with such a type of state regime as presidentialism , with a semi-presidential form of government, one should talk about the effective adoption of laws, since political "like-minded people" of different branches of government can easily "agree" among themselves, but the effectiveness of the implementation of the provisions of such laws will largely depend on the quality of their content. With another type of state regime (dualistic or parliamentary presidentialism), on the contrary, we can talk about known difficulties with the adoption of federal laws (due to the difficulties of finding a compromise between opposing political forces in different branches of government), but the possible effectiveness of their implementation due to the compromises reached and verified wording.

Pastukhova Nadezhda Borisovna

FEATURES OF THE STATE SOVEREIGNTY OF PARTICIPANTS OF THE UNION STATE

RUSSIA AND BELARUS

No. 1, 2017

The article examines the features of the state sovereignty of the member states of the Union State of Russia and Belarus, the uniqueness and originality of which is determined by the presence of confederal, federal and international ties between them. The problem of the state sovereignty of the members of the Union State, its partial limitation is extremely urgent and in demand in the modern world. The process of successive passage of stages of increasingly close integrational rapprochement between Russia and Belarus is analyzed: participation in the Customs Union (1995), the formation of the Community of Belarus and Russia (1996), the Union of Belarus and Russia (1997) and, finally, the last major milestone (December 1999) - signing of the Treaty on the Creation of the Union State. The article reveals the characteristics of the created supranational bodies formed on the basis of the Treaty on the Establishment of the Union State between Russia and Belarus. The analysis of the difficulties of their full-fledged functioning is carried out . The question of the relationship between the legal personality of the state unions and the legal personality of their participants is being studied . It is concluded that the combination of the legal personality of the Union State formed by Russia and Belarus, with the universal legal personality of the member states of the association allows these subjects of international relations to be independent participants in foreign policy relations and at the same time to successfully interact in foreign policy on issues that are mutual (in the world community, on the scale of Europe, within the framework of the CIS, in relations among themselves) interest. For the Union State formed by Russia and Belarus, one can recognize its general right to participate in international relations. However, at present this right is not regulated by the relevant provisions, the forms of participation of the Union State in the activities of international organizations (full, associate membership, cooperation on a contractual basis, responsibility for fulfilling international obligations) have not been specified.

Sergey Kabyshev

COORDINATION OF LAW-MAKING: A CANADIAN EXPERIENCE

No. 1, 2017

The article examines the Canadian experience in coordinating lawmaking, the activities of the Bureau of the Privy Council, the Ministry of Justice and the Parliament of Canada. The author identifies the advantages of centralized provision of legal services for the effectiveness of government activities, including: a clear definition of the subjects of coordination and drafters of laws , measures to ensure their professionalism, quality control .

Nine-year experience in the implementation of the Canadian model of organization and functioning of the Legal Department of the Lipetsk Administration raids-sti and sociological research of the author based on the results of the experiment, the following conclusions: lawyers engaged in legal support of specialized bodies of executive power, feel independence, resulting in: a) they are involved in the process of developing legal acts from the first days, which had a positive effect on the observance of the established deadlines and the implementation of the plan of standard-setting activities; b) they got the opportunity to improve their qualifications at the proper level, to use the legal experience of others as a result of exchanging it at conferences, meetings, trainings . There are real opportunities for: a) career growth; b) more ef- cient redistribution of functions between employees juridich-tion services; c) formation of a unified legal position. This contributed to the fact that, for example, in 2008–2015. not a single normative legal act of the constituent entities of the Russian Federation, where the experiment was carried out , was challenged in court.

Thus, analysis of the use of the Canadian experience The activities Nosta executive bodies of state power of subjects of Rossiy- tion Federation suggests the advisability Prevalence -neniya Canadian model of coordination of lawmaking at the federal level.

Zuev Nikolay Ivanovich

Charter of the Magadan Region as a subject of the Russian Federation: development experience

No. 1, 2017

Based on the analysis of normative legal acts of the Soviet and post-Soviet periods, the article pays attention to federal reforms in Russia in 1990–1993, traces the formation of the Magadan region as a full-fledged subject of the Russian Federation. The history of the adoption of the Charter of the Magadan Region is presented on the basis of archival materials. The Charter of the Magadan Region was created over the course of two years in conditions of complex relations, up to the confrontation, between the legislative and executive branches of power of the Magadan Region.

The article traces the idea that the constitution of the Magadan region as an independent subject of the Russian Federation is inextricably linked with the renewal of Russian statehood, the reform of federal relations in Russia, the implementation of the principle of separation of powers in the political and state life of our country.

The Magadan Region, like other territories and regions, has gone from a top-level administrative-territorial unit within the RSFSR to a full-fledged subject of the Russian Federation. Having developed and adopted its first fundamental normative legal act, the Magadan Region thereby realized the constitutionally enshrined authority to the Charter, which, along with the Constitution of the Russian Federation, determines its status.

Dudko Igor Gennadievich

NORMATIVE REGULATION OF PARLIAMENTARY CONTROL IN THE SUBJECTS OF THE RUSSIAN FEDERATION

No. 1, 2017

The article is devoted to the study of one of the problematic issues of parliamentary control in the constituent entities of the Russian Federation - legal regulation. Based on the analysis of the legal experience of various constituent entities of the Russian Federation on the regulation of parliamentary control, the author states that the approaches of the constituent entities of the Federation are not the same. The article examines the forms of legal regulation that have developed in the constituent entities of the Russian Federation. In the author's opinion, due to the fact that the control function is inherently inherent in the activities of regional parliaments, it should be reflected in their constitutional (statutory) characteristics. In most constituent entities of the Russian Federation, legal regulation of the control function of legislative (representative) government bodies is carried out at the level of their respective regulations. This approach of regional legislators is traditional and the most adaptive for novels at the federal level. The author considers the experience of a number of subjects of the Russian Federation in the legislative regulation of the control powers of regional parliaments. The article contains proposals for improving the normative regulation of parliamentary control.

Mierhold Anastasia Alexandrovna

INTERNAL STRUCTURE OF THE FEDERATION COUNCIL AND ITS CONSTITUTIONAL LEGAL REGULATION

No. 1, 2017

The article analyzes, including on the basis of verbatim documents, the process of discussing the project and the adoption of the Regulations of the Federation Council of the Federal Assembly of the Russian Federation. After the change in the procedure for forming the Federation Council, the adoption of the new Regulation was an inevitable and objective consequence. The principles on the basis of which the work on his new project was carried out, the various points of view of scientists, experts, members of the Federation Council on the

organizational functioning of the chamber are considered. The discussion on the advisability of the presence of standing commissions in the chamber is studied, the functions of the Chairman of the Federation Council are highlighted, attention is paid to amendments to the regulations in connection with the post of the first deputy Chairman of the Federation Council.

The article analyzes the legal regulation, according to which the creation of formalized factions and parliamentary associations is prohibited in the chamber of parliament, i.e. legalization of the activities of political associations is not allowed. The thesis is substantiated that this approach is most consistent with the purpose of the functioning of the authority representing the subjects of the Federation. The article additionally examines the composition, powers and procedure for holding meetings of the Council of the Chamber. The competence of the committees of the chamber of parliament is considered, it is noted that their powers increased over time, and this corresponded to the expansion of state structures and institutions of civil society.

The author makes a proposal to create a Federation Council Committee on Ethics within the upper chamber of the Federal Assembly of the Russian Federation as a body interacting with the media. The competence of this committee should include the development of proposals for the legislative regulation of policy in the field of parliamentary ethics and media ethics; resolution of disagreements arising from the coverage of the work of the Federation Council in the media, etc. At the same time, it is pointed out that censorship by the upper house of parliament in relation to the media is inadmissible.